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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,560	10/27/2003	Ronald S. Cok	87183THC	2422

7590 03/22/2005
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Patent Legal Staff
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Rochester, NY 14650-2201

EXAMINER

NGUYEN, THINH T

ART UNIT PAPER NUMBER

2818

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/694,560	Applicant(s) COK, RONALD S.	
	Examiner Thinh T. Nguyen	Art Unit 2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) 13-22 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-7 and 12 is/are rejected.
 7) ☒ Claim(s) 8-11 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892).
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED OFFICE ACTION

Election/Restriction

1. Applicant's election **with traverse** of claims **1-13** in Paper No. **6** is acknowledged.

Because Applicant did not distinctly and specifically point out the supposed error in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Applicants have the right to file a divisional, continuation or continuation-in-part application covering the subject matter of the non-elected claims.

The traversal is on the ground(s) that see the election paper. This is not found persuasive
For the following rationale:

The inventions are distinct, each from the other because of the following reasons:
Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed **because the display device can be patentable with a novel substrate or photo-emissive elements**. The subcombination has separate utility such as: the claimed photo-detecting device can be used in other applications like **a dark detector to trigger an electric lamp**.

The requirement is still deemed proper and is therefore made **FINAL** and non-elected claims 13-22 are not being considered in this Office Action.

Specification

2. The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant cooperation is requested in correcting any errors of which the applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b/e) that form the basis for the rejections under this section made in this office action.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(b/e) as being anticipated by Hermesen (U.S. Patent Publication Application 2004/0075045).

REGARDING CLAIM 1

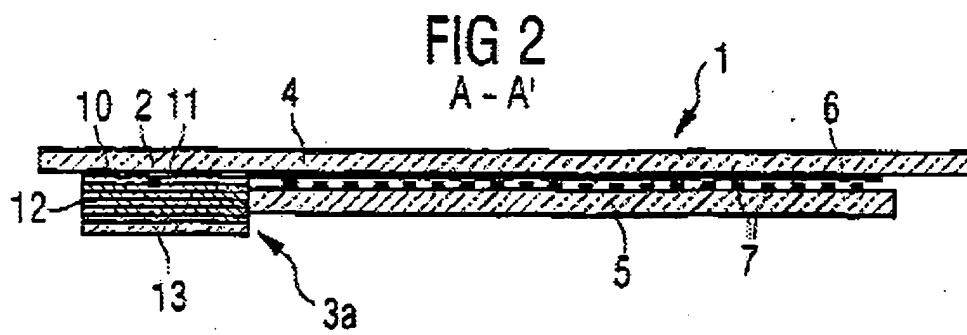
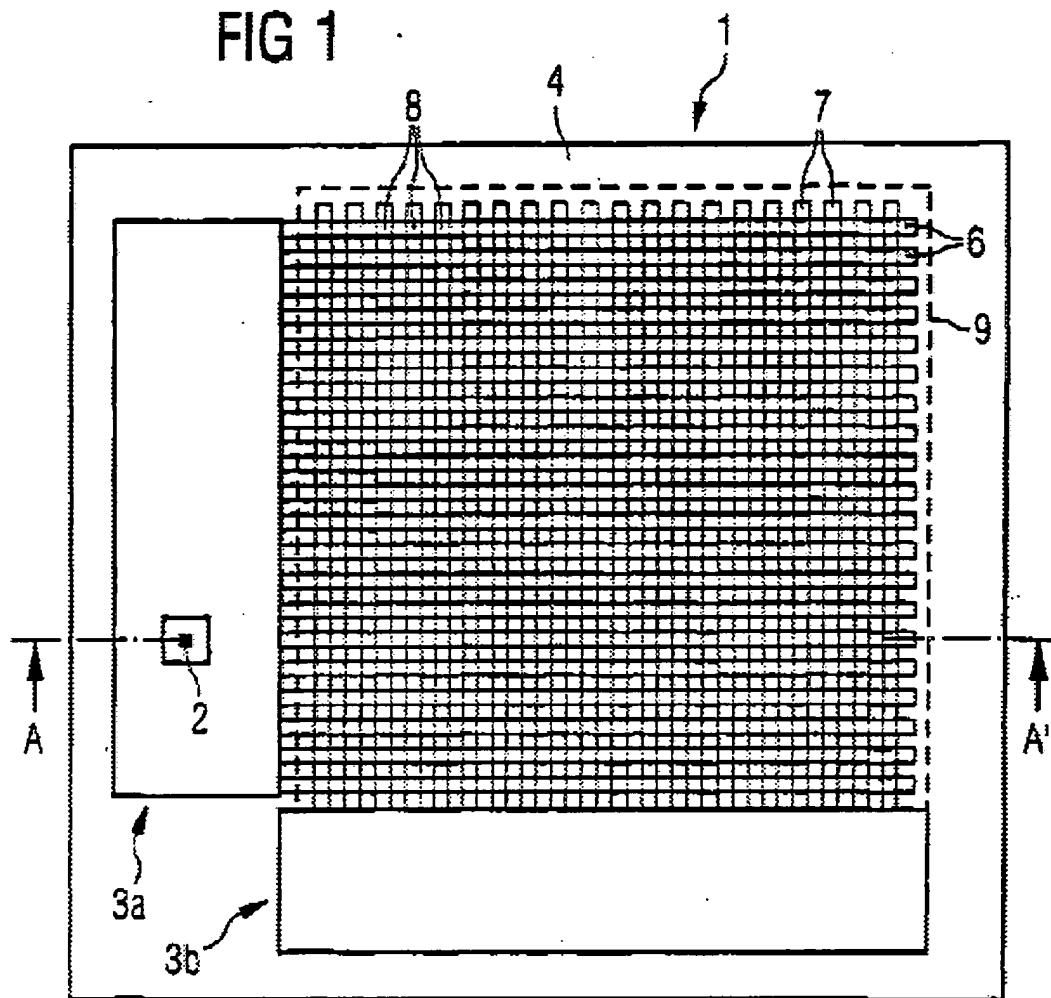
Hermson disclose (fig 1, fig 2, paragraph [0015], paragraph [34]) a circuit for detecting ambient light on a display comprising:

a) a light integrating photo-sensor circuit having a photosensor (fig 1 element 2) and being responsive to ambient light for periodically producing successive photo

signals representing the intensity of the ambient light; and

b) an averaging circuit for receiving the successive photo signals and producing an average ambient light signal representing a continuous running average of the successive photo signals (paragraph [34]) .

noted that Hermson disclosure shows the use of the low pass filter effectively averaging out the ambient light intensity as it produce a DC component corresponding to the average ambient light.



Claim Rejections - 35 USC § 103

5. The following is a quotation of U.S.C. 103(a) which form the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-7,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermesen (U.S. Patent Publication Application 2004/0075045) in view of further remark.

REGARDING CLAIM 2,5, 6,7

Hermesen discloses all the invention except going into detail of specifying the type of the photosensor. However, the use of photodiode, organic photosensor, thin film photosensor or silicon photosensor as photosensor has become old and well known in the art as evidenced by the disclosure in US patent 6,320,325 by Cok et al. (fig 1,fig 2, the abstract, column 2, lines 50-67 column 3 line 35-36,column 4 line 20-300,claim 2,claim3,4,claim 11,claim 13) as person skilled in the art at the time the invention was made would be able to come up with the invention of claim 2,5,6,7 using the disclosure by Hermesen and his routine design skill without any special teachings.

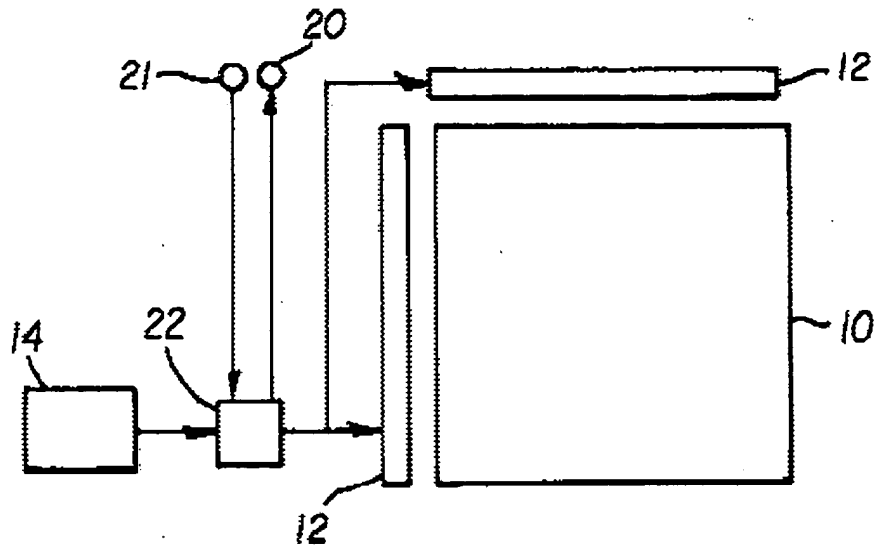


FIG. 1

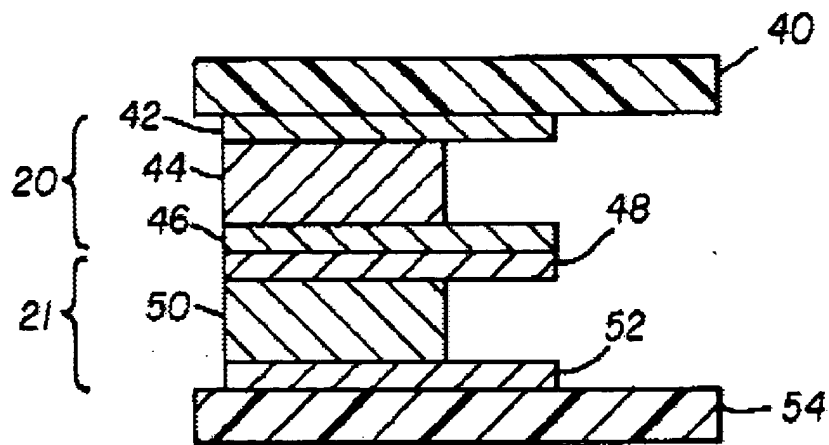


FIG. 2

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REGARDING CLAIM 3.

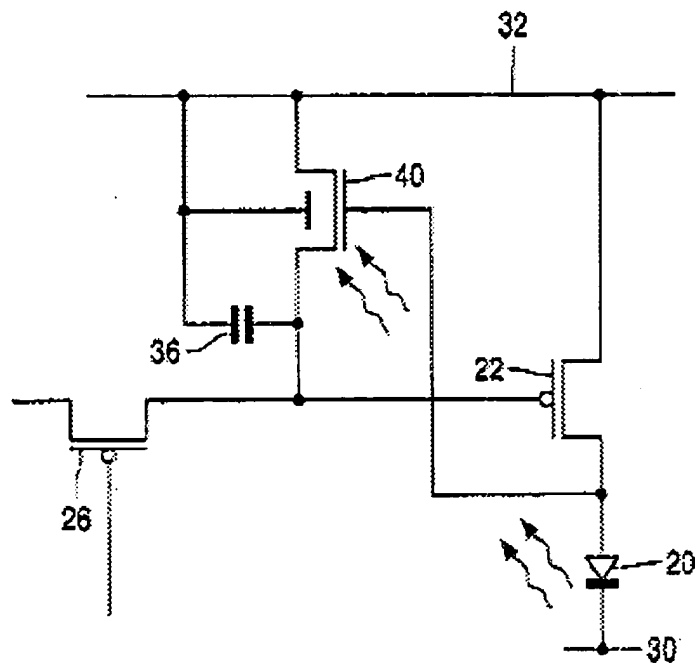
The use of photo-capacitor such as CCD as photosensor has become old and well known in the art as evidenced by the disclosure in US patent 5,654,202 by Daly et al. (column 1 lines 16,17).

The rationale why claim 3 is obvious over prior arts has been discussed in the rejection of claim 2,5,6,7.

REGARDING CLAIM 4

The use of photo transistor as photosensor has become old and well known in the art as evidenced by the disclosure in US patent 6,489,631 by Young et al (fig 6).

The rationale why claim 4 is obvious over prior arts has been discussed in the rejection of claim 2,5,6,7.

**FIG. 6****REGARDING CLAIM 12**

Cok et al. (in column 2 lines 65-67) teach that the sensor and control circuitry can be formed on the same substrate

The rationale why claim 12 is obvious over prior arts has been discussed in the rejection of claim 2,5,6,7.

ALLOWABLE SUBJECT MATTER

7. Claims 8,9 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

Claim 8,9 are considered allowable since the prior fails to show a circuit for detecting ambient light with all the technical features as recited in claim 8.

8. Claims 10,11 are objected as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

Claim 10,11 are considered allowable since the prior fails to show a circuit for detecting ambient light with all the technical features as recited in claim 10.

9. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and the page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

10. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the day of this letter. Failure to respond within the period for response will cause the application to be abandoned (see M.P.E.P. 710.02(b)).

CONCLUSION

11. The prior arts made of record and not relied upon are considered pertinent to applicant disclosure: Howard et al. (US patent 6,023,259) disclose an OLED active matrix using a single transistor current mode pixel design.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thinh T Nguyen whose telephone number is 571-272-1790. The examiner can normally be reached on Monday-Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached at 571-272-1787.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Thinh T. Nguyen



Art Unit 2818



David Nelms
Supervisory Patent Examiner
Technology Center 2800